

**ENTERED**

June 21, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

VS.

0.189 ACRE OLF LAND, MORE OR  
LESS, *et al*,

Defendants.

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CIVIL ACTION NO. 7:20-CV-392

**AGREED ORDER ESTABLISHING JUST COMPENSATION, GRANTING  
POSSESSION, DISBURSING FUNDS ON DEPOSIT IN THE REGISTRY OF  
THE COURT, AND CLOSING CASE**

Pursuant to the “Joint Stipulation and Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court, and Closing Case” (Dkt. No. 18) filed by the United States of America (“United States”) and the undersigned Defendants JESUS ALBERTO GONZALEZ and AMEIDA SALINAS, STARR COUNTY TAX ASSESSOR-COLLECTOR, the Court **ORDERS** that:

1. The full and just compensation payable by the United States for the taking of Tract RGV-RGC-5027 shall be the sum of Five Thousand and 00/100 Dollars (\$5,000.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the undersigned JESUS ALBERTO GONZALEZ against the United States for the institution and prosecution of the above-captioned action.
2. Judgment shall be and is hereby entered against the United States in the amount

of Five Thousand and 00/100 Dollars (\$5,000.00) plus any accrued interest for the taking of Tract RGV-RGC-5027.

3. On January 13, 2021, the United States deposited a check in the amount of Five Thousand and 00/100 Dollars (\$5,000.00) into the Registry of the Court<sup>1</sup> and upon said deposit, title to Tract RGV-RGC-5027 vested in the United States by operation of law.

4. The United States shall be and is hereby entitled to immediate possession of Tract RGV-RGC-5027 and all persons in possession or control of the interests taken in this property are hereby **ORDERED** to surrender possession of same to the United States, to the extent of the condemned estate<sup>2</sup>:

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

5. There are outstanding delinquent *ad valorem* taxes or assessments owing as to Tract RGV-RGC-5027 under the following accounts:

Account Number: **0045704** in the amount of **\$1,168.41** (as of January 2021) owed to Defendant Ameida Salinas, Starr County Tax Assessor-Collector.

The total sum of Five Thousand and 00/100 Dollars (\$5,000.00), with accrued

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<sup>1</sup> Dkt. No. 7 at 1.

<sup>2</sup> Dkt. No. 2-1 at 13, Schedule "E."

interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.

6. The stipulated just compensation remains on deposit in the Court's Registry. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **Five Thousand and 00/100 Dollars (\$5,000.00), along with any accrued interest earned thereon while on deposit**, payable to the order of

i. \$1,168.41 to Starr County Tax Office; and

ii. \$3,831.59 with accrued interest, to JESUS ALBERTO GONZALEZ.

7. Defendant JESUS ALBERTO GONZALEZ warrants (a) he was the sole owner of the Subject Property taken in this proceeding on the date of taking; (b) he has the exclusive right to the compensation, herein, excepting the interests of parties having liens, leases, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, JESUS ALBERTO GONZALEZ shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate

provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by JESUS ALBERTO GONZALEZ, to the date of repayment into the Registry of the Court.

9. JESUS ALBERTO GONZALEZ shall be responsible for his own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

10. There being no other outstanding taxes or assessments due or owing on Tract RGV-RGC-5027, JESUS ALBERTO GONZALEZ is responsible for the payment of any additional taxes or assessments which is otherwise owed on the interest in the property taken in this proceeding on the date of taking.

11. JESUS ALBERTO GONZALEZ shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.

12. JESUS ALBERTO GONZALEZ shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.

13. This agreed order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of JESUS ALBERTO GONZALEZ.

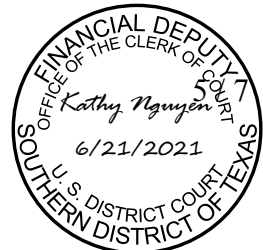
14. All issues have been resolved as to Tract RGV-RGC-5027, including any

delinquent taxes and charges. Accordingly, the claims and interests of Defendants JESUS ALBERTO GONZALEZ, and AMEIDA SALINAS, Starr County Tax Assessor-Collector Tax are hereby **resolved and there are no further issues to consider in this matter**. The Clerk of the Court is **ORDERED** to close this case.

**SO ORDERED** this 21st day of June, 2021, at McAllen, Texas.

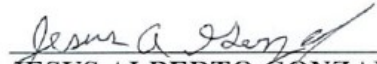


Randy Crane  
United States District Judge



**AGREED AS TO FORM AND SUBSTANCE:**

**FOR DEFENDANTS:**

  
**JESUS ALBERTO GONZALEZ**  
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